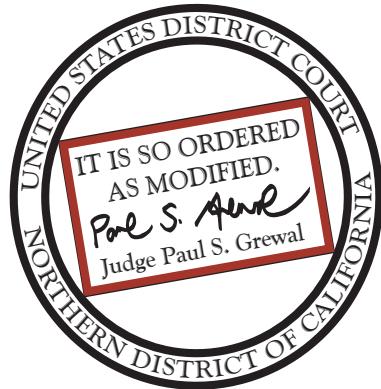


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Hartford Life and Accident Insurance Company
and Aviza Technology Health and Welfare Plan



**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

MARK ROWELL.

Plaintiff,

V.

**AVIZA TECHNOLOGY HEALTH
AND WELFARE PLAN and
HARTFORD LIFE AND
ACCIDENT INSURANCE
COMPANY.**

Defendants.

Case No. 5:10-CV-05656-PSG

**STIPULATION TO CONTINUE
RULE 52 MOTION BRIEFING AND
HEARING: [PROPOSED] ORDER**

Hon. Paul S. Grewal

Plaintiff, Mark Rowell, and Defendants, Aviza Technology Health and Welfare Plan and Hartford Life and Accident Insurance Company (“Hartford”), by and through their respective attorneys of record, stipulate to the following:

WHEREAS, the Court heard a motion to compel discovery responses on October 18, 2011;

WHEREAS, the Court issued its ruling on the discovery motion on October 31, 2011. In that discovery order, the Court ruled that Hartford is to produce certain information by November 18, 2011;

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1 WHEREAS, Hartford's home office has apparently been closed this week
2 due to weather conditions and outside counsel has not been able to have a
3 meaningful discussion about the discovery order with his client, including as to
4 whether it can even comply with the Court's order by November 18, 2011;

5 WHEREAS, the parties currently have opening briefs due on November 7,
6 2011, opposition briefs due on November 21, 2011, and a hearing on the
7 administrative record on December 12, 2011;

8 WHEREAS, the parties believe they will need additional time to respond to
9 the Court's order regarding discovery before filing their briefs in this matter and
10 that Plaintiff's counsel will be out of the country from December 19, 2011 through
11 December 31, 2011;

12 WHEREFORE, the parties hereby stipulate and respectfully request an order
13 from the Court continuing the Rule 52 Motion briefing schedule and hearing as
14 follows:

15 Cross Opening Briefs on Rule 52 Motion: January 10, 2012

16 Cross Opposition Briefs on Rule 52 Motion: January 24, 2012

17 Hearing on Rule 52 Motion: February 7, 2012 at 9:30 a.m.

18 IT IS SO STIPULATED.

19
20 Dated: November 3, 2011

The Law Office of Steven M. Chabre

21 By: /s/ Steven M. Chabre

22 Steven M. Chabre

23 chabre66@yahoo.com

24 Attorneys for Plaintiff Mark Rowell

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26 ///

27 ///

28 ///

1 Dated: November 3, 2011

Burke, Williams & Sorensen, LLP

2 By: /s/ Michael B. Bernacchi

3 Michael B. Bernacchi

4 mbernacchi@bwslaw.com

Attorneys for Defendants

5 Hartford Life and Accident Insurance

6 Company and Aviza Technology Health

and Welfare Plan

7

8 **O R D E R**

9

10 Upon consideration of the parties' stipulation, IT IS HEREBY ORDERED
11 that the Rule 52 Motion briefing schedule and hearing dates are continued as
12 follows:

13 Cross Opening Briefs on Rule 52 Motion: January 10, 2012

14 Cross Opposition Briefs on Rule 52 Motion: January 24, 2012

15 Hearing on Rule 52 Motion: February 35, 2012 at 9:20 a.m.

16 IT IS SO ORDERED.

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18 Dated: 33194233



19 Hon. Paul S. Grewal
20 United States Magistrate Judge

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